

1 Honorable Benjamin H. Settle
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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

9 NATHEN BARTON,

10 Plaintiff

11 v.

12 LEADPOINT INC., & RELIANCE FIRST
CAPITAL LLC

13 Defendants.

CASE NO. 3:21-cv-05372-BHS

14
15 DECLARATION OF DIANA
BARTOLME IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER
GRANTING ATTORNEYS FEES

16 My name is Diana Bartolme and I am a resident of Camas, Washington. I am over the age
17 of eighteen, and otherwise competent to be a witness in this matter. Except as expressly set forth
herein, I make the following statements based in my personal capacity and based on my personal
knowledge.

18 1. In or about August 2021, I met Plaintiff Nathen Barton ("Nathen") while on a hike.

19 2. Nathen discussed with me his experiences with telemarketers and I was impressed
20 by his knowledge and experience regarding the Telemarketing Consumer Protection Act
21 ("TCPA").

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23 DECLARATION OF DIANA BARTOLME IN
24 SUPPORT OF PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER GRANTING
ATTORNEYS FEES - 1/3

1 3. I have worked in strategic marketing for over ten (10) years and have experience in
2 new product launches and growth-stage marketing campaigns. Over the past few years, I have
3 worked as a freelance marketer for startup companies, under the name DB Product Marketing
4 Services.

5 4. After my discussions with Nathen, I saw an opportunity for me to prepare a website
6 that I could use in my portfolio. I, therefore, created a sample website regarding TCPA for my
7 own use in promoting my marketing business.

8 5. All language and content on the website I created (tcpauniveristy.com) were my
9 inventions used to educate and motivate potential audiences. Specifically, Nathen never actually
10 said “I have been taking telemarketing companies like this to court one phone number at a time,
11 resulting in enormous compensation for the damages. I’m talking several tens of thousands of U.S.
12 dollars . . . and it keeps coming.” All quotes used on the website were, and are, invented by me
13 with the intent to personify the brand with fictional characters.

14 6. Nathen never had access to the website’s content while it was in development nor
15 after its release. The website has always been owned by me and controlled by my own web hosting
16 and web publishing accounts.

17 7. Nathen did not hire me to prepare the tcpauniversity.com website, did not determine
18 the content of the website, and I never received any compensation from Nathen for any work.

19 8. After I created the sample website, Nathen expressed to me that he was not
20 personally interested in such a website. Since Nathen was not interested in pursuing such a
21 website, I initially took it offline.

1 9. The website is currently online again with my made-up quotes removed and with
2 the following disclaimer reflecting the website's sole purpose: "This website is being used for
3 demonstrative purposes only."

4 I declare under penalty of perjury under the laws of the State of Washington that the
5 foregoing statements are true and correct.

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7 _____*/s/ Diana Bartolme*_____
8 Signed Diana Bartolme

6/10/2022
Date

9 Signed in Camas, Clark County, Washington
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24 DECLARATION OF DIANA BARTOLME IN
SUPPORT OF PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER GRANTING
ATTORNEYS FEES - 3/3